

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FOURTH DAY — TUESDAY, JANUARY 21, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 3).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culbertson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Reyna, A.; Reyna, E.; Rhodes; Rodriguez; Sadler; Seaman; Serna; Shields; Siebert; Smithe; Solis; Solomons; Staples; Stiles; Swinford; Talton; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Berlanga; Coleman; Dukes; Hernandez; Marchant; Ogden; Raymond; Telford; Torres; Wilson.

Absent — Smith.

The invocation was offered by Representative West, as follows:

Lord, I lift your name on high. I love to voice your praises, and I am glad you are in my life, as you are in the lives of my fellow members. I am thankful you came to earth to show the way. Praise be that you still move in the hearts of your people. We ask for your continued presence in our daily lives. Amen.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Ogden on motion of Crabb.

Wilson on motion of Corte.

The following member was granted leave of absence for today because of personal business:

Marchant on motion of Patterson.

The following members were granted leaves of absence for today because of important business:

Coleman on motion of Naishtat.

Berlanga on motion of Patterson.

Raymond on motion of Hilderbran.

Telford on motion of Hightower.

Hernandez on motion of Puente.

Torres on motion of Bosse.

Dukes on motion of Price.

(Smith now present)

**PROCLAMATION BY THE GOVERNOR
OF THE STATE OF TEXAS**

The speaker laid before the house and had read the following proclamation by the governor:

TO ALL TO WHOM THESE PRESENTS SHALL COME:

TO THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-FIFTH LEGISLATURE, IN REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, George W. Bush, Governor of the State of Texas, submit the following emergency matter for immediate consideration by the 75th Legislature, now convened:

Relating to purported judgments and other documents from purported courts which have not been expressly established and created under the constitution or laws of this State.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at my office in the City of Austin, on this the 16th day of January, 1997.

George W. Bush
Governor of Texas

(SEAL)

Antonio O. Garza, Jr.
Secretary of State

**HCR 1 - ADOPTED
(by Kuempel and Brimer)**

Representative Brimer moved to suspend all necessary rules to take up and consider at this time **HCR 1**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 1, Inviting the governor to address a joint session of the legislature on Tuesday, January 28, 1997, at 11 a.m.

HCR 1 was adopted without objection.

HCR 32 - ADOPTED
(by Finnell)

Representative Finnell moved to suspend all necessary rules to take up and consider at this time **HCR 32**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 32, Granting permission to the YMCA Youth and Government Program to use the house and senate chambers.

HCR 32 was adopted without objection.

HR 3 - ADOPTED
(by Stiles)

Representative Stiles moved to suspend all necessary rules to take up and consider at this time **HR 3**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 3

WHEREAS, At the general election on November 4, 1930, Section 5, Article III, Texas Constitution, was amended to read as follows, to wit:

"The Legislature shall meet every two years at such time as may be provided by law and at other times when convened by the Governor. When convened in regular Session, the first thirty days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon the confirmation of the recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided that during the succeeding thirty days of the regular session of the Legislature the various committees of each House shall hold hearings to consider all bills and resolutions and other matters then pending; and such emergency matters as may be submitted by the Governor; provided further that during the following sixty days the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided, however, either House may otherwise determine its order of business by an affirmative vote of four-fifths of its membership."; and

WHEREAS, Under said amendment it is specifically provided that either house may otherwise determine its order of business by an affirmative vote of four-fifths of its membership; now, therefore, be it

RESOLVED by the House of Representatives of the 75th Texas Legislature, by an affirmative vote of four-fifths of its membership, That the order of its business for the regular session is hereby determined to be otherwise

than set forth in Section 5, Article III, Texas Constitution, and declared to be specifically as set forth in the temporary and permanent rules of the House of Representatives of the 75th Legislature.

A record vote was requested.

HR 3 was adopted by (Record 4): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddock; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Reyna, A.; Reyna, E.; Rhodes; Rodriguez; Sadler; Seaman; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Berlanga; Coleman; Dukes; Hernandez; Marchant; Ogden; Raymond; Telford; Torres; Wilson.

Absent — Serna.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Hochberg on motion of Gutierrez.

CAPITOL PHYSICIAN

The speaker recognized Representative Hilderbran who presented Dr. Raymond H. Smith of Fredericksburg as the "Doctor for the Day."

The house welcomed Dr. Smith and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

ADJOURNMENT

Representative Uher moved that the house adjourn until 10 a.m. tomorrow in memory of Felipe Mayo, father of Gloria Mayo Moreno, chief of staff for Representative Berlanga.

The motion prevailed without objection.

The house accordingly, at 10:17 a.m., adjourned until 10 a.m. tomorrow.